

PATENT
Attorney Docket No. 11006.00
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Urs MOSIMANN et al.

Serial No. 09/848,105

Filed: May 2, 2001

For: EXERCISE DEVICE WITH BODY
EXTENSION MECHANISM

Examiner: Not Yet Assigned

Art Unit: 3764

**PETITION
REGARDING ALLEGEDLY OMITTED FIGURES 4 AND 10**

Box MISSING PARTS
Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the alleged omission of Figures 4 and 10 mailed on June 29, 2001, in conjunction with a Notice to File Missing Parts, enclosed are the following:

1. Substitute drawings in compliance with 37 C.F.R. 1.84;
2. Copy of the Application as filed on May 2, 2001, including Certificate of Mailing, original drawings and Appendix;
3. Copy of Notice to File Missing Parts of Non-Provisional Application – Filing Date Granted dated June 29, 2001; and
4. Check in the amount of \$130.00 for the Petition Fee.

The Commissioner is hereby authorized to charge any deficiencies in the above-noted fees to Deposit Account No. 04-1415.

Applicants are not responding to the Notice to File Missing Parts at this time.

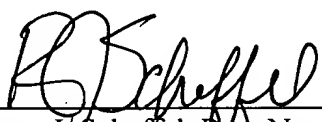
Applicants hereby petition the Commissioner to consider the following with respect to the alleged omission of Figs. 4 and 10 from the application as filed. Applicants also are submitting the appropriate fee of \$130.00 with this Petition.

The Notice to File Missing Parts indicated that Figs. 4 and 10 appear to have been omitted from the application as originally filed. Applicants respectfully submit Fig. 4 was inadvertently misnumbered as a second Fig. 3, and Fig. 10 was actually submitted with the Appendix to the application. Enclosed is a copy of the application as originally filed. On drawing sheet 3 of 7, Fig. 4 is incorrectly labeled at the bottom of the page. The substitute drawings submitted herewith correct this typographical error.

Fig. 10 was initially submitted as a part of the Appendix. As can be seen from the copy of the application as originally filed, Fig. 10 is shown as page 4 of the Appendix. The Certificate of Mailing also references Fig. 10 as being a part of the Appendix. The substitute drawings include Fig. 10 as a new sheet 8. This sheet contains the exact same Fig. 10 as submitted with the original application.

As such, the application as filed did in fact include Figs. 4 and 10. Thus, Applicants, under paragraph I of the Notice to File Missing Parts, contend that the above-noted omitted items were in fact deposited in the Patent and Trademark Office with the non-provisional application papers. A refund of the enclosed petition fee of \$130 is hereby requested.

August 27, 2001



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